IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6388 OF 2007

Mohan Annaso Kore] .. Petitioner

Versus

1. State of Maharashtra & 3 ors.] .. Respondents

Mr. R.K. Mendadkar and Ms. H.K. Mandlik for the petitioner.

Mr. R.D. Rane, GP, for the respondents No.1, 2 & 4.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 16TH OCTOBER, 2007

P.C. :

1. Heard.

2. By this petition, the petitioner challenges the order dated 22nd March, 1999, passed by the Committee for Scrutiny & Verification of Tribe Claims, Pune, rejecting the petitioner's claim of belonging to Mahadeo Koli scheduled tribe. The impugned order is passed on 22nd March, 1999, and the present Petition has been filed in the year 2007. The gross delay of eight years has not been satisfactorily explained. We are, however, not rejecting the Petition on this technical

ground alone, but also on merits.

3. The grievance of the petitioner is that the report of the Vigilance Cell was not served on the petitioner and, therefore, he was not given appropriate opportunity of hearing. The learned Government Pleader for the respondent submitted that not only the Vigilance Cell report was served on the petitioner, but the petitioner had also replied to the same. He invited our attention to the following paragraph in the order:

> "The candidate have furnished his written explanation on the police enquiry report that whatever documents of his father, uncle and brother which depicts the caste as Maratha and other than Mahadeo Koli have been recorded by their parents due to illiteracy and lack of maturity, but this statement of the candidate cannot be accepted because in olden days the people were very much aware of their caste, customs and rituals and they cannot forget their caste while recording their wards admission in the primary school."

4. This clearly discloses that not only the report of the Vigilance Cell and the police enquiry was served on the petitioner, but he had even submitted written explanation for the same. The contention that the report of the Vigilance Cell was not served on the petitioner is, therefore, incorrect.

5. On merits we notice that the caste of the petitioner's father, uncle and brother was shown as Maratha in the school records. Entry regarding the petitioner's father is of the year 1942 which is a pre-constitutional entry. It is only after promulgation of the presidential order that the family members of the petitioner started claiming that they belong to the Mahadeo Koli tribe.

6. In the circumstances, there is no merit in the Petition and the Petition is rejected summarily.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]